Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Message Text

UNCLASSIFIED

PAGE 01 MONTRE 00502 251732Z
ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 IO-13 CAB-05 CIAE-00 COME-00
DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 PRS-01 PA-02
USIA-15 L-03 AF-08 ARA-10 EA-09 NEA-10 MCT-01
/105 W
----------260657Z 105889 /10
R 251542Z MAR 77
FM AMCONSUL MONTREAL
TO SECSTATE WASHDC 8772

UNCLAS MONTREAL 502

E. O. 11652: N/A
TAGS: PORG, EAIR, ICAO
SUBJ: ICAO: SPECIAL LEGAL SUBCOMMITTEE ON LEASE, CHARTER AND
INTERCHANGE FIRST REPORT

1. FITZGERALD (CANADA) UNANIMOUSLY ELECTED CHAIRMAN.

2. FIRST DAY'S SESSION REVEALED THAT THERE IS VERY LITTLE SUPPORT FOR US ATTEMPTS TO CONFINE AMENDMENTS TO LEASE WITHOUT CREW. LED BY AUSTRALIA AND USSR AND SUPPORTED BY GERMANY, FRANCE, BARBADOS, AND LEGAL SECRETARIAT, US BECAME LONE PROPONENT OF THE NOTION THAT ANY AMENDMENT SHOULD BE CONFINED TO LEASE WITHOUT CREW. US STRESSED HISTORICAL CONTEXT OF "WITHOUT CREW," EXISTING USE OF PHRASE "LEASE WITHOUT CREW" IN HIJACKING AND SABOTAGE CONVENTIONS, AND NON-EXISTENCE OF SERIOUS PROBLEMS WHERE CREW WAS OF STATE OF REGISTRY.

3. SUBCOMMITTEE TENTATIVELY DECIDED NOT TO ATTEMPT TO DEFINE THE TERMS "LEASE, CHARTER AND INTERCHANGE" (WITH POSSIBLE EXCEPTION OF TERM LEASE AS USED IN EXISTING CONVENTIONS) SINCE THEY WERE DIFFERENT TERMS WHICH MIGHT REQUIRE DIFFERENT SOLUTIONS. INSTEAD SUBCOMMITTEE DECIDED TO USE BROADER FACTUAL CONCEPT IN SECRETARIAT DOCUMENTS, "AN
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 MONTRE 00502 251732Z

AIRCRAFT REGISTERED IN ONE STATE IS OPERATED BY AN OPERATOR BELONGING TO ANOTHER STATE," AS APPEARS IN THE TERMS OF REFERENCE AND THE PANEL OF EXPERTS REPORT. US ARGUED THAT TERM "OPERATED" WAS AS VAGUE AS LEASE, CHARTER AND INTER-CHANGE. GERMANY POINTED OUT, HOWEVER, THAT THE RESPONSIBILI-TIES IMPOSED BY ANNEX 16 OF THE CONVENTION ARE THOSE OF THE "OPERATOR," AND HENCE DETERMINATION OF THE PERSON WHO IS THE

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

OPERATOR CANNOT BE AVOIDED.

4. CANADA HAS INTRODUCED NEW ALTERNATIVE PROPOSALS ADOPTING US CONCEPTS OF A BILATERAL AGREEMENT FOR ASSIGNING SAFETY RESPONSIBILITY, AND INCLUDING SPECIFIC AUTHORIZATION FOR LESSEE STATE TO ASSUME OBLIGATIONS OF SPECIFICALLY AND ONLY CHICAGO ARTICLES 12, 31 AND 32. ALTERNATIVES DIFFER ONLY IN USE OF TERMS "LEASE WITHOUT CREW" (ALREADY REJECTED), AND "AIRCRAFT REGISTERED IN A CONTRACTING IS OPERATED, WITHOUT A CREW.... (ALREADY REJECTED) .... IN ANOTHER CONTRACTING STATE ....." ADAPTATION OF THIS SECOND PROPOSAL SEEMS BEST POSSIBILITY TO CONFINE STRICTLY TO SAFETY QUESTIONS. THE SPECIFIC REFERENCES TO ARTICLES 12, 31 AND 32 WILL ENHANCE THIS RESULT.

5. US AND FRANCE TO SUBMIT PROPOSAL FRIDAY.
HARPER

UNCLASSIFIED

NNN

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INTERNATIONAL ORGANIZATIONS, COMMITTEE MEETINGS, MEETING REPORTS, LEASES, SUPPLEMENTAL AIRLINES
Control Number: n/a
Copy: SINGLE
Sent Date: 25-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977MONTRE00502
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770104-0308
Format: TEL
From: MONTREAL
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770322/aaaaasrt.tel
Line Count: 79
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: b53ad0b1-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 01-Oct-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2997603
Secure: OPEN
Status: NATIVE
Subject: ICAO: SPECIAL LEGAL SUBCOMMITTEE ON LEASE, CHARTER AND INTERCHANGE FIRST REPORT
TAGS: PORG, EAIR, US, CA, ICAO
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/b53ad0b1-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009